

REMARKS

1. Status of Claims

Claims 1-20 were pending in the Application. Applicants have amended claims 1, 2, 11 and 17 without prejudice or disclaimer. Applicants respectfully request entry of the above amendments and consideration of the enclosed remarks. Applicants submit that no new matter is added. Accordingly, claims 1-20 will remain pending in the application.

2. Rejections under 35 USC § 101

On page 4 of the Office Action, the Examiner added a new ground of rejection of Claims 1, 11 and 17 under 35 U.S.C. 101 as allegedly failing to claim statutory subject matter.

Applicants respectfully traverse the rejection because the claims are sufficiently tied to or transform articles including the claims assets. However, in order to expedite prosecution, Applicants have amended claims 1, 11 and 17 and the rejection is moot. Applicants respectfully submit that amended claims 1, 11 and 17 along with the associated dependent claims 2-10, 12-16 and 18-20 are patentable under 35 USC 101.

Accordingly, Applicants respectfully request that the Examiner withdraw the rejection.

3. Double Patenting

On page 6 of the Office Action, the Examiner provisionally rejected Claims 1-10 under the nonstatutory ground of obviousness-type double patenting as allegedly unpatentable over copending application 10/249615. Applicants traverse and respectfully submit that since claims 1, 11 and 17 have been amended, the rejection is moot. Applicants reserve the right to file a terminal disclaimer as may be appropriate.

4. Rejections under 35 USC § 103(a)

On page 8 of the Office Action, the Examiner rejected Claims 1-20 under 35 U.S.C. 103(a) as allegedly rendered obvious by U.S. Patent 6,952,680 to Melby, et al. ("Melby '680") in view of U.S. Patent 7,315,887 B1 to Liang, et al ("Liang '887").

Applicants respectfully traverse the rejection. Additionally, solely in order to expedite prosecution, Applicants have amended independent claims 1, 11 and 17 without prejudice or disclaimer and thus the rejection is moot.

Initially, the Examiner uses impermissible hindsight as an alleged basis for the combination of Melby '680 and Liang '887. Here, Liang '887 is a mere inventory control system and does not teach or describe deciding where to place assets. As the Background and Summary of Invention clearly state, Liang '887 merely describes combining two known inventory systems in order to provide inventory of both on-line and off-line communications cards. See Liang '887, Col. 1, lines 13-56. Similarly, Melby '680 does not teach or fairly suggest a physical placement analysis of any kind. Moreover, the combination, even if proper, would not teach or fairly describe each element of the claims as currently presented. Accordingly, the rejection should be withdrawn.

Independent Claim 1 recites:

1. A computer implemented method for providing asset physical placement analysis for an organization for a plurality of assets using a computer server and a database connected to the plurality of assets using a communications network for an organization comprising:
 - obtaining historical asset usage data from the database using the computer server over a plurality of periods received from the plurality of assets using the communications network;
 - obtaining asset physical placement data associated with the plurality of assets over the plurality of periods using the computer server;
 - determining suggested alternate asset physical placement data using the asset usage data and the asset physical placement data using the computer server; and
 - providing the suggested alternate asset physical placement data using the computer server.

(emphasis added).

The Examiner apparently has admitted that Melby '680 does not teach or describe any physical placement analysis and that Liang '887 does not cure that shortcoming in the art. Melby '680 does not teach, describe or fairly suggest a replacement asset analysis, but rather apparently describes efficient maintenance of an installed base of assets. Melby '680, discusses a system for tracking when maintenance operations should be performed on an existing fleet of installed assets. For example, the system in Melby '680 may track usage to determine when a preventative maintenance operation should be scheduled. However, there is no disclosure in Melby '680 of a replacement asset analysis and no suggestion of modeling a replacement asset costs based upon usage data collected for the installed asset. Furthermore, Melby '680 does not describe any physical placement analysis. Similarly, Melby '680 does not teach or suggest taking data historical usage data over a plurality of periods. Liang '887 at most describes storing some geographic information knowledge about the location of an asset, but not a physical placement analysis.

Applicants respectfully submit that the Examiner has failed to establish that Melby '680 in combination with Liang '887 render the claims obvious and accordingly respectfully submit that the rejection should be withdrawn.

Dependent claims 2-10 and 16 are patentable over the cited reference for at least the same reasons described above with reference to the associated independent claim and any intervening claims.

Similarly, with reference to claims 2 and 6, Melby '680 does not teach, describe or fairly suggest determining a suggested alternate asset and does not describe using a best fit algorithm.

2. The method of claim 1, further comprising:

determining suggested alternate asset data using cost data; and
providing the suggested alternate asset data.

Furthermore, regarding claims 3, Melby '680 does not teach, describe or fairly suggest second physical placement data.

3. The method of claim 2, further comprising:
determining suggested second physical placement data for the
suggested alternate asset data; and
providing the suggested second physical placement data..

Moreover, with reference to claim 5, Melby '680 does not teach, describe or fairly suggest any peak time analysis.

5. The method of claim 1, wherein:
the assets usage data is categorized into peak and off-peak
categories.

Furthermore, regarding claims 7-8 and 9-10, Melby '680 does not teach, describe or fairly suggest department physical placement determination s or hierarchal physical placement determinations.

Independent Claim 11 recites:

11. A computer implemented method for providing physical asset placement analysis for an organization for a plurality of assets using a computer server and a database connected to the plurality of assets using a communications network comprising:

obtaining historical asset usage data from the database using the computer server over a plurality of periods received from the plurality of assets using the communications network;

obtaining physical asset placement data specifying a plurality of physical locations each associated with the plurality of assets using the computer server;

determining peak usage for at least one of the physical locations using the historical asset usage data and the physical asset placement data using the computer server; and

suggesting at least one replacement asset for the at least one physical location using the computer server.

(emphasis added).

Initially, Applicants respectfully submit that the references are not properly combined for at least the reasons described above. Furthermore, the Examiner apparently has not suggested that the combination of Melby '680 and Liang '887 teach peak usage determinations.

Dependent claims 12-15 and 20 are patentable over the cited reference for at least the same reasons described above with reference to the associated independent claim and any intervening claims.

Independent Claim 17 recites:

17. A computer implemented method for providing physical asset placement analysis for an organization for a plurality of assets using a computer server and a database connected to the plurality of assets using a communications network comprising:

obtaining historical asset usage data from the database using the computer server over a plurality of periods received from the plurality of assets using the communications network;

obtaining physical asset placement data specifying a plurality of physical locations each associated with the plurality of assets using the computer server;

obtaining alternate asset data including replacement asset data associated with each of the plurality of assets using the computer server;

suggesting at least one replacement asset for at least one of the plurality of assets using the historical asset usage data, the physical asset placement data and the alternate asset data using the computer server.

(emphasis added).

Initially, Applicants respectfully submit that the references are not properly combined for at least the reasons described above. Furthermore, the Examiner apparently does not suggest that the combination of Melby '680 and Liang '887 teach any replacement asset analysis.

Dependent claims 18-19 are patentable over the cited reference for at least the same reasons described above with reference to the associated independent claim and any intervening claims.

Accordingly, Applicants respectfully submit that the claims as amended are patentable over the cited references and respectfully request that the Examiner withdraw the rejection.

5. Conclusion Of Remarks

For at least the reasons stated above, it is respectfully submitted that the claims of this application are in condition for allowance and early and favorable action thereon is requested.

If the Examiner believes that additional issues may be resolved by a telephone interview, the Examiner is respectfully urged to telephone the undersigned attorney for Applicant at (203) 924-3180.

6. Authorization

No fee is believed due with this response. However, the Commissioner is hereby authorized to charge any additional fees which may be required for the response or credit any overpayment to the Pitney Bowes, Inc. Deposit Account Number 16-1885, Order No. F-682-O1.

In the event that an extension of time or additional extension of time is required to make this response timely filed, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely. The Commissioner is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to the Pitney Bowes, Inc. Deposit Account Number 16-1885, Order No. F-682-O1.

Respectfully submitted,

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